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DATE: 11/28/05

TO: Amendment
Commissioner for Patents

ATTN: Examiner: Marcos Torres
Art Unit: 2687

FAX NUMBER: (571) 273-7926

FROM: Donald C. Kordich, Attorney for Applicant
Registration No. 38,213

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Total Number of Pages Sent: 5 (including this transmittal cover sheet)

FILING BY FACSIMILE:

ATTORNEY DOCKET NO.: 000298C1

ENCLOSED ARE:

- Amendment (3 pages)
- Transmittal (in duplicate)

APPLICANT: Weissman, et al.

ASSIGNEE: QUALCOMM Incorporated

SERIAL NO.: 09/892,365

FILED: June 26, 2001

FOR: IMPROVED DIVERSITY COVERAGE

Please contact Victoria J. Pacey at (858) 651-3411 if all pages do not transmit.

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AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Customer No.: 23696
Attorney Docket No.: 000298C1
In Re Application of: Weissman, et al.
Serial Number: 09/892,365
Filed: June 26, 2001
Examiner: Marcos Torres
Group Art Unit: 2687

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entry Fee	Fee Paid	
Total*	10	20	0	x \$50 =	\$0	
Independent**	2	3	0	x \$200 =	\$0	
Multiple Dependent Claim(s): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				\$360	\$	
EXTENSION FEES				<input type="checkbox"/> One Month	\$120	\$
				<input type="checkbox"/> Two Months	\$450	\$
				<input type="checkbox"/> Three Months	\$1020	\$
TERMINAL DISCLAIMER				\$130	\$	
				TOTAL FEE	\$	

*If the number in column a is less than 20, enter 0 in column c.

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5. ☐ Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of \$_____.
- The Commissioner is hereby authorized to charge payment of any additional fees that may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
6. ☒ The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: November 28, 2005

Signature: Donald C. Kordich, Reg. No. 38,213
Phone No. (858) 658-5928QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
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(TRANSAMD.VER1.13-04/30/04)

Docket No. 000298C1

Serial No. 09/892,365

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Weissman, et al.

For: IMPROVED DIVERSITY
COVERAGE

Serial No.: 09/892,365

Group Art Unit: 2687

Filed: June 26, 2001

REMARKS

Asst. Commissioner of Patents
Alexandria, VA 22313

Attention: Marcos L. Torres
Examiner

Dear Sir:

In response to the Office action of April 26, 2005, and in furtherance of the Amendment filed August 25, 2005, please enter these Remarks in the above-identified application as follows:

Remarks begin on page 2 of this paper.

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November 28, 2005

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Victoria J. Pacey

(Name of Person Making Deposit)

(Signature)

Docket No. 000298C1

Serial No. 09/892,365

REMARKS

Claims 1 - 10 are pending in this application.

Claims 1 - 2 and 4 - 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman (US Patent No. 6,449,477) in view of Shyy (US Patent No. 6,178,334). Claims 3 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weissman in view of Shyy as applied to claims 1 - 2 and 4 - 5 above and further in view of Bassirat (US Patent No. 6,088,003). The Applicant respectfully traverses the present rejections.

The current patent application and the primary reference Weissman, were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the common owner and assignee Qualcomm, Incorporated. Thus, Weissman can not be used as prior art in a 35 U.S.C. 103(a) rejection per 35 U.S.C. 103(c).

In view of the foregoing, Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

If there are any other fees due in connection with the filing of the response, please charge the fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Docket No. 000298C1

Serial No. 09/892,365

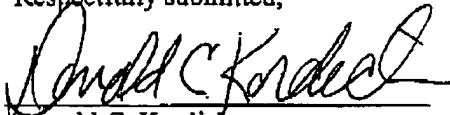
Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Dated: November 28, 2005

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-2779
Telephone: (858) 658-5928
Facsimile: (858) 658-2502

Respectfully submitted,

By:



Donald C. Kordich
Attorney for Applicant
Registration No. 38,213

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